

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ANTOINE DESHAWN BARNES,

Plaintiff,

v.

VAN NESS, et al.,

Defendants.

Case No. 1:20-cv-00625-NONE-EPG (PC)

FINDINGS AND RECOMMENDATIONS,
RECOMMENDING THAT CERTAIN
CLAIMS AND DEFENDANTS BE
DISMISSED

(ECF NOS. 1 & 9)

OBJECTIONS, IF ANY, DUE WITHIN
FOURTEEN DAYS

Antoine Barnes (“Plaintiff”) is a prisoner proceeding *pro se* and *in forma pauperis* with this civil rights action filed pursuant to 42 U.S.C. § 1983.

Plaintiff filed the complaint commencing this action on May 1, 2020. (ECF No. 1). The Court screened Plaintiff’s complaint. (ECF No. 9). The Court found that only the following claim should proceed passed the screening stage: Plaintiff’s Eighth Amendment sexual harassment claim against Deputy Van Ness. (*Id.*).

The Court allowed Plaintiff to choose between proceeding only on the claim found cognizable by the Court in the screening order, amending the complaint, or standing on the complaint subject to the Court issuing findings and recommendations to a district judge consistent with the screening order. (*Id.* at 12). On July 27, 2020, Plaintiff notified the Court that he wants to proceed only on his Eighth Amendment sexual harassment claim against Deputy Van Ness. (ECF No. 10).¹

¹ In the notice Plaintiff also makes numerous allegations that are unrelated to his Eighth Amendment sexual harassment claim against Deputy Van Ness. Plaintiff also asks for various forms of relief. The Court will

Accordingly, for the reasons set forth in the Court's screening order that was entered on July 14, 2020 (ECF No. 9), and because Plaintiff has notified the Court that he wants to proceed only on his Eighth Amendment sexual harassment claim against Deputy Van Ness (ECF No. 10), it is HEREBY RECOMMENDED that all claims and defendants be dismissed, except for Plaintiff's Eighth Amendment sexual harassment claim against Deputy Van Ness.

These findings and recommendations will be submitted to the United States district judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within **fourteen (14) days** after being served with these findings and recommendations, Plaintiff may file written objections with the Court. The document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file objections within the specified time may result in the waiver of rights on appeal. Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014) (citing Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)).

IT IS SO ORDERED.

Dated: July 29, 2020

/s/ Eric P. Grogan
UNITED STATES MAGISTRATE JUDGE

not address these allegations or requests for relief. As the Court previously told Plaintiff when denying his motion to supplement (ECF No. 9, pgs. 6-7), Plaintiff "may not proceed on a myriad of unrelated claims against different defendants in a single action." (Id. at 7). If Plaintiff believes that his rights are being violated, Plaintiff may file a separate action based on the allegations in the notice.